

PHILLIP A. TALBERT  
United States Attorney  
CAMERON L. DESMOND  
DAVID SPENCER  
Assistant United States Attorneys  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900  
  
Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JOSE ENCARNACION MAYO RODRIGUEZ,  
MARIA LUISA ESCAMILLA-LOPEZ,  
JUAN CHAVARRIA,  
JUAN RAMON LOPEZ,  
CHARLES JAMES BILLINGSLEY, JR.,  
  
Defendants.

CASE NO. 2:19-CR-0231-WBS

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

DATE: February 5, 2024  
TIME: 9:00 a.m.  
COURT: Hon. William B. Shubb

**STIPULATION**

1. By previous order, this matter was set for status on February 5, 2024.
2. By this stipulation, defendants now move to continue the status conference until April 8, 2024, at 9:00 a.m., and to exclude time between February 5, 2024, and April 8, 2024, under Local Codes T4, C, and R.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes over 4400 pages of documents, including investigative reports, photographs, cell phone records, and other materials, as well as numerous audio and video recordings. All of this

1 discovery has been either produced directly to counsel and/or made available for inspection and  
2 copying.

3 b) Many of the events at issue in the case occurred in San Joaquin County, with  
4 additional matters occurring in Southern California and the San Francisco Bay Area. Defense  
5 investigation into the charged events can fairly be characterized as state-wide in scope.

6 c) During most of the period that this case has been pending national events related  
7 to the spread of COVID-19 occurred. Federal and state authorities issued directives designed to  
8 address the pandemic. These directives hampered the ability of the defense to conduct  
9 investigation as to potential defenses in this matter. Additional time is therefore required for  
10 defense investigation into matters charged in the Indictment.

11 d) On June 21, 2022, defendant Juan Chavarria was arrested in San Joaquin County  
12 for state firearms violations. He was later released pending trial. On July 22, 2022, Chavarria  
13 was arrested for attempted murder, in San Joaquin County, where he is being held without bail.  
14 *See* ECF No. 228 (Pretrial Services Violation Petition).

15 e) Counsel for defendants desire additional time to conduct factual investigation and  
16 legal research into potential defenses and trial and sentencing issues, to review the discovery, to  
17 consult with their clients, and to otherwise prepare for trial.

18 f) In addition, counsel for defendant Billingsley, Johnny Griffin, III, is currently  
19 engaged in a jury trial that began on January 8, 2024.

20 g) Counsel for defendants believe that failure to grant the above-requested  
21 continuance would deny them the reasonable time necessary for effective preparation, taking into  
22 account the exercise of due diligence.

23 h) The government does not object to the continuance.

24 i) Based on the above-stated findings, the ends of justice served by continuing the  
25 case as requested outweigh the interest of the public and the defendant in a trial within the  
26 original date prescribed by the Speedy Trial Act.

27 j) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
28 et seq., within which trial must commence, the time period of February 5, 2024 to April 8, 2024,

inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. In addition, the time period of June 21, 2022, through the present, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(1)(B) [Local Code C], and 18 U.S.C. § 3161(h)(6) [Local Code R], because the period of delay results from defendant Chavarria facing other charges in San Joaquin County. *See United States v. Lopez-Espindola*, 632 F.2d 107 (9th Cir. 1980).

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 31, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ DAVID W. SPENCER  
DAVID W. SPENCER  
Assistant United States Attorney

Dated: January 31, 2024

/s/ Todd D. Leras  
TODD D. LERAS  
Law Office of Todd D. Leras  
*Attorney for defendant Jose Encarnacion Mayo Rodriguez*

Dated: January 31, 2024

/s/ Dina Lee Santos  
DINA LEE SANTOS  
Law Offices of Dina L. Santos  
*Attorney for defendant Maria Luisa Escamilla-Lopez*

Dated: January 31, 2024

/s/ Clemente Jimenez  
CLEMENTE JIMENEZ  
Law Office of Clemente M. Jimenez  
*Attorney for defendant Juan Chavarria*

Dated: January 31, 2024

/s/ Phillip Cozens

PHILLIP COZENS

Phillip Cozens, Attorney-at-Law

Attorney for defendant Juan Ramon Lopez

Dated: January 31, 2024

/s/ Johnny L. Griffin, III

JOHNNY L. GRIFFIN, III

Law Offices of Johnny L. Griffin, III

Attorney for defendant Charles J. Billingsley, Jr.

### FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED.

Dated: January 31, 2024



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE